

BOARD OF APPEALS CASE NO. 5282

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BEFORE THE

APPLICANTS: Laura & Robert Murphy

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow a sun porch within
the required 35 foot rear yard setback;
604 Portsmouth Court, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/14/02 & 8/21/02

HEARING DATE: October 7, 2002

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Record: 8/16/02 & 8/23/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Laura and Robert Murphy, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sun porch within the 35 foot rear yard setback (25 feet proposed) in an R2/Urban Residential District-COS/Conventional with Open Space (R2/COS).

The subject parcel is located at 604 Portsmouth Court, Bel Air, MD 21014 and is more particularly identified on Tax Map 41, Grid 4D, Parcel 474, Lot 73. The parcel consists of 0.227± acres, is zoned R2/COS and is entirely within the Third Election District.

Mr. Gary Sipes, of Patio Enclosures, Inc., appeared on behalf of the Applicants. The witness stated that the Applicants intend to construct an enclosed sunroom to the rear of the house where an existing concrete patio exists today. The room dimensions are proposed to be 14 feet by 16 feet. The proposed location allows access from the family room which is desirable. If located on the other end of the house access would be through the dining room that is not desirable from a functional standpoint. The room is intended for year round use by the Applicants. The property was described as irregular in shape and the witness noted that the house had been placed too far back on the lot decreasing the rear yard available for additional structures.

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According to Mr. Sipes, the proposed sunroom is much like many others that his company has constructed in Harford County and should have no adverse impacts associated with it. The witness pointed out that Mrs. Murphy suffers seasonal allergies and the sunroom would allow her to enjoy the outdoors without the ill effects caused by allergens.

Three letters of support from immediate neighbors were introduced into evidence. Two of the letters came from the two adjoining property owners and express support for a grant of the variance.

Mr. Bob Murphy appeared and testified that the sunroom would be a very usable addition to his home and would be an enhancement to not only his property but the neighborhood as well. He indicated that he had discussed the sunroom with his neighbors and was very cognizant of their needs when he determined the size and location of the proposed addition.

Mrs. Laura Murphy appeared and reiterated much of the previous testimony. The witness indicated that the existing deck had been in use since 1987 and there had never been any complaint about it. She did not think the sunroom addition would adversely impact here neighbors use and enjoyment of their properties.

The Department of Planning and Zoning, in recommending approval, found that, due to existing topographical conditions and the location of existing improvements, the subject parcel is unique. Additionally, the approval of the subject request was found to have no adverse impacts.

There were no persons who appeared in opposition to this request.

CONCLUSION:

The Applicants, Laura and Robert Murphy, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sun porch within the 35 foot rear yard setback (25 feet proposed) in an R2/Urban Residential District-COS/Conventional with Open Space (R2/COS).

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Harford County Code Section 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”**

The Hearing Examiner, for the reasons stated by the Applicants and their witness and the Department of Planning and Zoning, finds that the property is unique. The parcel is irregularly shaped and the placement of the house further constrains buildable area. The proposed location of the new addition is the most practical location and there should be no adverse impact to neighboring and adjoining properties as a result of the approval of the request.

The Hearing Examiner recommends approval of the variance, subject to the Applicants obtaining any and all necessary permits and inspections.

Date OCTOBER 21, 2002

**William F. Casey
Zoning Hearing Examiner**